Sri. P. S. Nataraja Pillai: I would like to speak on the motion. When there are barely three or four months for the present ministry to be dissolved, the Government have thought it fit to bring in a Bill fixing the salaries and allowances of the Members, Ministers and the Speaker. In fact, it is only to give statutory recognition to what has been prevailing here so far. But at the same time, however, one notable change has been made, namely that the daily batta of the Ministers has been raised from Rs. 10 to Rs. 15. I can fully appreciate the reason for that step now. The Ministers are entitled to travel on public business. But we also know Sir, that we are facing a general election. Of course, opening a petty library here, or a hostel there, are all public business entitling the Ministers to daily batta and travelling allowance when they go for it. The only object seems to be to get as much money from the public exchequer as possible within this short time ahead while they tour for election. I am forced to come to that conclusion that is the main object of this Bill.....

Sr . A. P. Udayabhanu: Let me make it perfectly clear that that was not the object of my amendment.

Sri. P. S. Nataraja Pillai: With equal emphasis, I may say that I am forced to draw that conclusion. I am forced to say that that is the only conclusion, the only logical conclusion that can be drawn from the amendment which has been accepted by the House with a majority of the Congress members. I only want to sound a note of warning. We must always be fair in our dealings. Public money should not be spent for any purpose other than public purpose. And when an illegitimate object is sought to be gained at the expense of the public exchequer, I think it is my duty to sound a note of warning and to place it on record that it was not done with the full concurrence of the House but with the party votes.

Sri. A. P. Udayabhanu: Because my friend Mr. Nataraja Pillai was objecting to the Bill so heatedly and I happen to bring forward this amendment, I am forced to say a few words. Mr. Nataraja Pillai is one of the most respected members of this House. He has been saying that we are, or rather the party, is going to utilise this five-rupee margin for the election campaign. There are hardly two months before us for the election, just 60 days. We have five Ministers. Let us take it that the five Ministers, all of them, are going to tour all these sixty days. That means a gain of Rs. $60 \times 5 \times 5$, *i.e.*, Rs. 1,500. Is it to knock off Rs. 1,500 that we are passing this amendment? Can anything be more ridiculous? I do not know what sense of proportion there is, in advancing such an argument. If it was meant as a kind of party propaganda, I may tell openly that it is something which was not expected of such a very esteemed and senior member of this House.

Sri. N. D. Jose: Why should an amendment be introduced for such a petty sum, then?

Sri. A. P. Udayabhanu: Because on the face of it, it looked rather ridiculous that the Ministers and the Speaker should be getting Rs. 10 as daily allowances while the Members were getting Rs. 15. There was something odd in that arrangement. That was what induced me to move this amendment.

The question that the Bill be passed was put and carried.

The Bill was passed.

The Travancore-Cochin Forest Bill

Minister for Education and Revenue **(Sri. L. M. Pylee):** I beg to move that the time fixed for the submission of the Report of the Select Committee may be extended to 30th September 1951.

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Sri. Kalathil Velayudhan Nair: May I know when the time expired?

Sri. L. M. Pylee: The report is ready. It is only a formal motion I have moved.

Sri. D. Gnanasigamoni: May I know whether the hon. Member can move for extension after the time has expired?

Mr. Speaker: There was no sitting of the Assembly after the last session when the time expired, or rather, was about to expire. So there was no possibility of getting the approval of this House for the extension of the time for submission of the Select Committee Report. I would therefore rule that it is quite proper to move to condone the delay.

Sri. D. Gnanasigamoni: The motion is not on the agenda today. Is it in order for the Minister to move it? The Minister is not competent to move it.

Mr. Speaker: The Bill is on the agenda, and therefore it is only proper that the hon. Minister should be allowed to move this motion also.

Sri. Kalathil Velayudhan Nair: There is another difficulty here. When motions are made like that, without being included in the agenda, Members who are interested in the Bill would fail to get sufficient notice of the fact.

Mr. Speaker: But Members had notice of the motion even yesterday.

Sri. D. Gnanasigamoni: We had notice of the motion. We accept that. But it is not on the agenda.

Mr. Speaker: There is absolutely no difficulty. The Bill is before the House as amended by the Select Committee and it is going to be taken for consideration by the House. Therefore the motion is in order.

Sri. D. Gnanasigamoni: The Bill is not before the House. It is a lapsed Bill. That is why I say the matter is not before the House.

Sri. L. M. Pylee: May I point out that the Bill is on the agenda and the motion is in respect of the Bill? And the notice of the motion was circulated even yesterday.

Mr. Speaker: That is why I made the ruling that it is only proper that the hon. Minister should be permitted to move that motion now. Those in favour of the motion.....

Sri. D. Gnasigamoni: I oppose the motion. According to me this motion has to be made before the Bill has lapsed. After the Bill has lapsed, there seems to be no.....

Mr. Speaker: Order, order, I have already pronounced my ruling. concerning the objection—no more discussion about it.

Sri. D. Gnanasigamoni: But I am only opposing the motion. After the lapse of the Bill, no such motion can be made. It should have been made during the last session. No such motion having been made then, the Bill has lapsed.

Sri. L. M. Pylee: The time expired on 30th June. The Bill has not lapsed, but is on the agenda. In order to enable the Select Committee report to be presented, it is absolutely necessary that the time should be extended.

Sri. P. Balakrishnan Tampi: The objection is on the ground that the motion for extension should have been on the agenda. The practical difficulty is this. Any Member who knows the procedure would think, because the motion is not on the agenda, that the Bill would not be taken up because the Bill has expired. They would not know whether extension would be asked and whether it would be condoned. That is why it should have been on the agenda. That is

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[Sri P. Balakrishnan Tampi]

what the hon. Member means. Even the smallest matter that should be transacted here should be on the agenda. It is only a matter of procedure. I move that the motion may be taken up tomorrow.

Mr. Speaker: The Bill is already on the agenda. Notice of the motion for extension has been circulated. I have already held that there is nothing wrong in moving for extension now.

The motion for the extension of time for presentation of the report was put and carried.

Sri. L. M. Pylee: I move that the Travancore-Cochin Forest Bill as reported by the Select Committee be taken into consideration. The earlier stages of the Bill have been gone through. After the introduction, it was referred to a Select Committee and the Select Committee has gone through the provisions and submitted its report, which I am presenting today. Certain modifications were made by the Select Committee to the Original Bill. As originally stated, the object of this Bill is to integrate the previous enactments, relating to Travancore and Cochin. I move that the Bill, as reported by the Select Committee, be taken into consideration.

The question that the Bill as reported by the Select Committe be taken inio consideration was put and carried.

Clauses 2 and 3

Mr. Speaker: As there is no amendment to clauses 2 and 3, I shall put them to vote.

The question that clauses 2 and 3 stand part of the Bill was put and carried.

The Clauses were added to the Bill.

Clause 4

Sri. A. K. Patchu Pillai: I move that in clsuse 4, sub-clause(c) after 'shall in para 2, delete 'ordinarily'.

ഇപ്പോൾ എടുത്തുകളയണമെന്നുള്ള ഈ ക്ലോസ് വാസ്തവത്തിൽ തീരെ ആവശ്യമില്ല.

"The officer appointed under clause (c) of this Section shall ordinarily be a person other than a Forest Officer;" etc.

എന്നു പറയുന്നുണ്ട്. ഈ നിയമം രണ്ടുംകൂടി ഏകീകരിക്കുന്നതിനു മുൻപു തിരുവിതാംകൂർ വിളംബരത്തിൽ ഇരുന്നതായിട്ടുള്ള ഫോറസ്റ്റ് ആക്ട് അനുസരിച്ച് ര, ന, ഫ വ, ഈ വകുപ്പുകൾ പ്രകാരമാണ് ഗവൺമെൻറിന്റെ അധീനതയിലുള്ള വസ്തുക്കൾ റിസർവുഫോറസ്റ്റ് ആക്കുന്നതിനു ഗവൺമെൻറിനെ അധികാരപ്പെടുത്തുന്നതു്. ര, ന, ഫൻ ഈ വകുപ്പുകൾ അനുസരിച്ചാണ് ഒരു സ്ഥലം ഫോറസ്റ്റ് ആക്കുന്നതിനുള്ള നടപടിയെടുക്കുന്നതിനു് ഗവൺമെൻറിനെ ഇപ്പോൾ ഹാജരാക്കിയിരിക്കുന്ന പുതിയ നിയമം അധികാരപ്പെടുത്തിയിരിക്കുന്നതു്. ഇതനുസരിച്ചു നോക്കുകയാണെങ്കിൽ ഏതെങ്കിലും ഒരു സ്ഥലം റിസർവു ഫോറസ്റ്റ് ആക്കുന്നതിനു് അതിനുള്ള എഴുക അല്ലെങ്കിൽ വിസ്തീർണ്ണം മുതലായവ ഒരു നോട്ടിഫിക്കേഷൻ മുഖേന ഗവൺമെൻറിൽനിന്നും പ്രസിദ്ധപ്പെടുത്തേണ്ടതായിട്ടുണ്ട്. അതിനുശേഷം ഇതിനെ സംബന്ധിച്ചുള്ള തക്കങ്ങൾ എതെങ്കിലും കക്ഷികൾക്കു് ഉണ്ടെങ്കിൽ ശരിയായിട്ടുള്ള തെളിവോടുകൂടി ഇതിനെ സംബന്ധിച്ചു് അപ്പീൽ കൊടുക്കുന്നതിനു് ഫോറസ്റ്റ് സെറ്റിൽമെൻറ് ആഫീസർ എന്ന ഒരു ഉദ്യോഗസ്ഥനെ നിയമിക്കണമെന്നുള്ളതാണ്. സാധാരണ

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യായി ഫാറസ്റ്റ് ഉദ്യോഗസ്ഥന്മാരെ നിയമജ്ഞരായി പരിഗണിക്കുവാൻ സാ ദ്ധ്യമല്ല. അവർ എക്സിക്യൂട്ടീവ് വക്കിൽ ഏല്പിച്ചിരിക്കുകയല്ലാതെ നിയമം പ ഠിച്ചുവരായിരിക്കുവാൻ വഴിയില്ല. അങ്ങിനെയിരിക്കെ ഫാറസ്റ്റ് എക്സിക്യൂ ട്ടീവ് ഉദ്യോഗസ്ഥനെതന്നെ സെറ്റിൽമെൻറ ആഫീസറം കൂടി ആയി നിയ മിക്കുക എന്നുവന്നാൽ നീതി നടത്തുന്നതിന് സാധിക്കാതെ വന്നേക്കും എന്നു ള്ളതുകൊണ്ടാണ് ഞാൻ ഈ ഭേദഗതി അവതരിപ്പിക്കുന്നത്. ഇങ്ങനെ ഏ തെങ്കിലും തക്കങ്ങൾ വന്നാൽ അതിന്റെ പ്രമാണങ്ങൾ കണ്ടുപിടിക്കുക അവ നിയമപ്രകാരം വ്യാഖ്യാനിക്കുക, തെളിവുകൾ ശേഖരിക്കുക, മുതലായ നിയമ പരമായ കാര്യങ്ങൾ തീർച്ച ചെയ്യേണ്ടിയിരിക്കുന്നതുകൊണ്ട് അതിന പ്രത്യേ കമായി നിയമപരിജ്ഞാനമുള്ള ഒരാളിനെതന്നെ നിയമിക്കേണ്ടതാണ്. മാത്ര മല്ല, ഗവണ്മെണ്ടിന്റെ ഒരു ഫാറസ്റ്റ് ഉദ്യോഗസ്ഥൻതന്നെ ആ സെറ്റിൽ മെൻറ് ഉദ്യോഗസ്ഥനും കൂടിയായിരിക്കുകയാണെങ്കിൽ ഗവണ്മെൻറ് ഭാഗം പ്ര തിനിധീകരിക്കുന്നതിന് ഒരു ഉദ്യോഗസ്ഥൻ ഉണ്ടായിരിക്കണമെന്നും കൂടി വ്യവ സ്ഥ ഉള്ളതിനാൽ ഗവണ്മെൻറിന്റെ ഭാഗം പിടിച്ചു കൊണ്ടുപോകുമെന്നല്ലാ തെ ന്യായമായി സെറ്റിൽമെൻറ് ഉദ്യോഗസ്ഥൻ കേസുകൾ തീരുമാനിക്കുക യില്ല. അതിനാൽ എന്റെ അമെൻറുമെൻറ സ്വീകരിക്കണമെന്ന ഞാൻ അ പേക്ഷിക്കുന്നു.

Sri. L. M. Pylee. The Government are quite aware of that argument and that is why it was provided that ordinarily the Forest Settlement Officer shall be a person other than a Forest Officer. Now my hon. friend has raised a point why that 'ordinarily' should be there. Well, wherever it is possible and whenever it is possible the Forest Settlement Officer will be a person other than a Forest Officer. But if, in some rare instances under peculiar circumstances, it so happens that a person other than a Forest Officer, a suitable and competent person other than a Forest Officer, is not forthcoming, then there must be a method by which the Government would be able to carry on this transaction by appointing a person who is a Forest Officer. Only under such extraordinary circumstances would a person who is a Forest Officer would be put into this work. Such an arrangement is necessary and therefore the Government cannot accept the proposal contained in the amendment of the hon. Member. Government therefore have to oppose the motion.

The amendment was put and lost.

The question that clause 4 stand part of the Bill was put and carried.

The clause was added to the Bill.

Clause 5 to 25

The question that clauses 5 to 25 stand part of the Bill was put and carried.

The clauses were added to the Bill.

Clause 26

Sri. P. S. Nataraja Pillai. Sir, I move that for clause 26 the following shall be substituted.

"26. (1) Whenever it is proposed to direct a Reserve Ferest or a portion thereof to cease to be a Reserve Forest the Government shall publish a notification in the Gazette specifying as nearly as possible the situation and limits of such land, declaring that it is proposed to direct such lands not to be a reserve forest and fixing a period of not less than three months from the date of publication of such notifcation in the Gazette for submitting objections, if any.

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[Sri. P. S. Nataraja Pillai]

(2) After considering thc report of the Chief Conservator of Forests on the objections the Government may decide by order that the forest or any portion thereof specified in the notification published under sub-section (1) shall cease to be a reserved forest.

(3) The draft order of the Government passed under sub-section (2) shall be placed before the Legislative Assembly if it is in session as soon as may be after the order has been passed and if it is not in session, within seven days of it. re-assembly, and Government shall seek the approval of the Legislative Assembly by a resolution moved on this behalf. If the Legislative Assembly accepts the order of Government, Government may then, by notification in the Gazette direct that, from a date fixed by such notification, the forest or any portion thereof reserved under this Act shall cease to be reserved."

Sir, As the hon. Member who moved it stated it, is rather necessary to have a uniform law. But the Bill is not only for having a uniform law for the Travancore-Cochin State, but also for the protection and management of the forests. The primary object of the Bill is to protect the forests we have and to provide for managenent of those forests. Under the category of forests under the management of the Government, the most important one is the reserved forests. For making any portion of the forest a reserved area, the procedure is laid down in Chapter 2 of the Bill by various clauses. To declare a forest as a reserve area, notifications have to be issued, time is to be given for filing objections, the objections, if any, are to be considered and decided and so on. After all the necessary process the reserve area as constituted is declared as such by a Government notification. But when we come to the question of de-reserving an area, it is covered by clause 26. That clause, as it stands now is, "the Government may, by notification in the Gazette direct that, from a date to be fixed by such notification any forest or any portion thereof reserved under this Act shall cease to be reserved." When the Government want to declare a forest not to be a reserved forest they have only to publish a notification in the Gazette and fix a date and from that date onwards that area becomes a non-reserved forest.

Sir, that is the summary of proceedings provided. There is the right with the executive Government to declare a forest to be a non-reserved forest at their discretion. In the peculiar conditions of Travancore, Sir, the forests, the reserved forests, are of considerable importance not only to the country, but also for the future well-being of its citizens. As regards reserved forests there have been a lot of complaints in the Press and from the public, that forest areas are being de-reserved without sufficient thought and the consequences of it are not easy to envisage at the present moment. Large tracts of reserved forests have been thrown open for exploitation and there is a general public feeling now in the country that this hasty action has caused irremediable damage to the interest of the country. Sir, allegations were made on the floor of this House that certain persons have encroached upon reserve area and have occupied that area and that Government are now contemplating legal proceedings against such encroachments.

Sri. K. S. Joseph: This year?

Sri. P. S. Nataraja Pillai: From 1948 onwards. I do not know personally of these encroachments. I only repeat what was stated on the floor of this House these days. Such being the case, it is necessary that under the present context of events it is better that the executive authority should be restricted in their rights to declare a forest to be a non-forest area than to give them absolute discretion. It is not enough the general public knows the area which has been declared to be a non-reserved area.

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What I propose therefore in my amendment is, that whenever a necessity arises to declare an area to be not a reserved area, the Government should publish a notification regarding the matter and invite objections from the public and when objections are received they should be enquired into by the most competent expert available, *viz.*, the Conservator of Forests. He should have the right to advise the Government and he will have the final say in the matter—whether the objections are valid or not. After consulting the Conservator of Forests and after his opinion has been received by the Government, they may decide on the matter whether the area should be declared a forest area or not. If they come to the conclusion that the area should be declared a non-reserved area, they should publish a notification in the Gazette and that notification must be subject to the approval of the Legislature so that the permanent interest of the country may not be affected by the executive order of the Government. What I say is, before any area is proposed to be de-reserved to be given for general purposes on Kuthakapattom, etc., to be subjected to cultivation it must be known to the people in general to record their opinion,, lest the damage done thereby should be irreparable. It must be done with the approval of the representatives of the people. It is not a very urgent matter to be rushed through. It is not the disposal of a petition or a claim. It is a matter which will affect the interests of the country and it is a matter of vital importance and which might do irreparable damage for the future well-being of the State. Therefore before coming to a conclusion or before deciding whether any area should be de-reserved or not, the Government should afford opportunities to the public to know of it, hear objections, if any, and then enquire into such objections by an authority competent who will be able to give his expert opinion on the matter and then place the matter before the representatives of the people for their approval. With this object, Sir, I have framed this amendment.

I may also say, Sir, I consulted a very responsible expert who had served our country as Conservator of Forests. When I discussed the matter specifically, before I framed this amendment, with one of the Ex-Conservators of Forests of our State, he was definitely of the view that such a provision will be very useful and wholesome under the present conditions in this country. Therefore I was further emboldened to bring in an amendment to this effect.

I know arguments may come from the Treasury Benches that the executive should not be fettered by these legislative restrictions. There may be an urgent necessity to open up a path, or to make a channel or to put up a bund and for that purpose any particular strip of land should be de-reserved. In these circumstances Government cannot hope to wait for the report or the objections or the opinion and decision of the Legislature. It will be so urgent a matter and discretion must be with the executive to decide it then and there. That argument is not valid. These works are works done in Reserve Forests for which Government have authority. But de-reserving large tracts of forests will cut at the root of the fundamental interest of the country as a whole. In democracy, when the Government is run as a party Government, when the Government is functioning as a party Government with the support of a section, the policy of the Ministers are to some extent bound to be guided by the section that supports it. What I say is, it will only be in the interest of the popular Government itself that such restrictions are placed on the Ministers. That will be in their own interest in the long run. If these sections are there curtailing the freedom of action of the executive, it will be only in the larger interest of the country. I would therefore submit Sir that, in the interest of the country and for the well-being of the State, this amendment is absolutely necessary and should be included in the Bill. I hope the Treasury Benches will think it advisable to accept my amendment since it will be a safeguard for them to do their duty in the interest of the country as a whole without being subjected to party influences. With these words, I move the amendment.

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Sri. A. K. Patchu Pillai: Sir, I have also tabled an amendment to clause 26. That also may be discussed along with this so that that amendment may be put to vote along with Mr. P. S. Nataraja Pillai's.

Mr. Speaker: That will be taken up later.

Sri. L. M. Pylee: In clause 26 of the Bill the procedure to de-reserve a reserve forest area is given. Now, according to the amendment, if de-reserving is to be done rather a very elaborate process is to be undergone. The question is whether there is any necessity for such an elaborate process. It is true that in the case of converting an area into a reserved area an elaborate process is necessary. It is obvious from the very nature of that, that such an elaborate process is necessary. But in the case of de-reserving reserve forests, is it necessary to have such a procedure? The very nature of it does not grant that elaborate procedure which is to be adopted in the case of reserving an area should be adopted in this case.

My hon. friend has been mentioning such an elaborate process as is incorporated in the amendment. Now I wish to point out that if a portion of the forest area is to be de-reserved why should we place such restrictions on the authorities? Clause 26 provides: "the Government may, by notification in the Gazette direct that, from the date to be fixed by such notification any forest or any portion thereof reserved under this Act shall cease to be reserved". That is a simple process and that is understandable. Now this clause is proposed to be substituted to the following effect. Before an area is proposed to be de-reserved, a notification to that effect should be published in the Gazette, inviting objections to the action proposed to be taken. These objections are not of the same kind as the objections that are likely to be received in the case of converting non-reserved areas into reserved areas. There will be practically no objections received. Government are de-reserving the reserved forests and therefore we cannot expect that interests and claims of other parties will ordinarily be affected in any way. But, apart from that, the 2nd stage of the amendment provides that, the report of the Chief Conservator of Forests should be considered by the Government before the Government de-reserves a reserve forest. That is the second stage. And at this stage if the Government's decision is to de-reserve the forest, it should be placed before the Legislature. If the Legislative Assembly accepts the order of the Government, Government may then, by notification, direct that, from a date fixed by such notification, the forest or any portion thereof reserved under this Act shall cease to be reserved.

Now again I ask the question, why this elaborate process and procedure? What is the necessity for it? I would ask the hon. Member in the present context of events, whether the Government should not have the very freedom to effect de-reservations, when there is a large demand for lands from the landless? When there is a very legitimate demand from the landless for allotments of lands, when there is a strong demand from the poor people, is it fair, is it reasonable in the interest of the public, to impose all these restrictions on the executive? I am inclined to think my hon. friend is more concerned with forests than with the human beings. It is pitiable that when lands are required for urgent purposes, when lands are required to be utilised for other purposes especially for giving lands to the landless, that such an elaborate process is being insisted on. If some 10 cents of land could not be converted into ordinary lands for the purposes of giving some habitation to some landless people, the position is rather unreasonable. Therefore, the hon. Member's argument that in the present context of events such an elaborate process is necessary does not sound reasonable. Under the present context of events it is only fair that the Government are vested with sufficient freedom without unnecessary shackles and restrictions to effect de-reservation and that is only in the

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interest of the public and in the interest of the democratic freedom of which my hon. Member has been mentioning.

I may also mention for the information of the House that this very proposal has been considered by the Select Committee appointed to consider this Bill. The Select Committee gave its attention to this matter and have discussed these very provisions and it has been found that there is no need to include these provisions in the Bill. That is the situation.

For these reasons, I would suggest that in the interest of public welfare, restrictions may not be forced in any way on the authorities in this matter. Simply because there is to be a summary procedure, the Government are not going to destroy all the forests or convert all the forests areas into other areas or lands. Government should have power to do things for the public welfare and the Government will do that with a new sense of public responsibility. Please do not impose unnecessary restrictions and shackles on the legitimate freedom which the Government should have in such matters. With these words I oppose this amendment.

ശ്രീ. എ. കെ. പാച്ചുപിള്ള : സർ, ഞാൻ അവതരിപ്പിക്കുവാൻ ഉദ്ദേശിക്കുന്ന ഭേദഗതി ഇതാണു്.

In clause 26, after para 1, add the following:—

"Provided that any such direction, which they intend to give has been brought to the notice of the Legislative Assembly by a resolution for the purpose."

ബഹുമാനപ്പെട്ട നടരാജപിള്ള പറഞ്ഞ അതു നടപടിക്രമംപോലെ അതു കർശനമല്ലാത്തതും എന്നാൽ ഇപ്പോൾ ഇരിക്കുന്ന തത്വം സ്വീകരിച്ചിട്ടുള്ളതുമായ ഒരു ഭേദഗതിയാണു് ഞാൻ ഇപ്പോൾ ഹാജരാക്കിയിരിക്കുന്നതു്. ഈ ഭേദഗതി അനുസരിച്ചു് ഡ—ന്നാമത്തെ വകുപ്പു് നാലാമത്തെ പാര കഴിഞ്ഞതിനുശേഷം; "Provided that any such direction, which they int end to give has been brought to the notice of the Legislative Assembly by a resolution for the purpose" അതായതു് ഏതെങ്കിലും ഒരു റിസർവു ഫോറസ്റ്റു് റിസർവു് ആക്കാനൊ റിസർവു ആക്കിയതിനുശേഷം അഴിക്കാനോ ആക്കാതിരിക്കാനോ ഗവൺമെൻറു് തീരുമാനിക്കുന്നപക്ഷം ആ തീരുമാനത്തിൻെറ ചുരുക്കം നിയമസഭാമുമ്പാകെ വയ്ക്കണമെന്ന മാത്രമേ എൻെറ ഭേദഗതികൊണ്ടു ഉദ്ദേശിച്ചിട്ടുള്ളു. ഒരു രാജ്യത്തിൻെറ ദേശീയ സമ്പത്തായിരിക്കുന്ന വനം ഇന്ന ഇന്ന കാരണങ്ങളാലാണു് റിസർവു ആക്കിയതിൽനിന്നും അഴിക്കുന്നതു് അല്ലെങ്കിൽ ആക്കാതിരിക്കുന്നതു് എന്നു് ഈ നിയമസഭയെ അറിയിച്ചാൽ ഇവിടത്തെ ജനപ്രതിനിധികൾക്കും തൻമൂലം പൊതുജനങ്ങൾക്കും അതുസംബന്ധിച്ചു് യാതൊരു ആശങ്കയും ഉണ്ടാകുന്നതല്ല. മറ്റുമല്ലാ നിയമസഭയിൽ അതിനെപ്പറ്റി വാദപ്രതിവാദം ചെയ്യുന്ന അവസരത്തിൽ ആ സ്ഥലത്തിനു് അടുത്തുള്ള ആരെങ്കിലും ഈ നിയമസഭയിൽ ഉണ്ടെങ്കിൽ ആ പ്രതിനിധിയ്ക്കു് ഗവൺമെൻറിനെ സംഗതികൾ പറഞ്ഞു മനസ്സിലാക്കുന്നതിനു് അവസരം ലഭിക്കുമെന്നുള്ളതുമാകുന്നു. ഒരു ഉദാഹരണം ഞാൻ പറയാം. ഫ ഫ ഠ ഫ—ൽ മി. വാട്സു് തിരുവിതാംകൂറിലെ ദിവാൻജിയായിരുന്ന കാലത്തു് ഒരുലക്ഷത്തിൽ കൂടുതൽ ഏക്കർ സ്ഥലം ബ്ലൂക്കുബോണ്ടു് കമ്പനിക്കു് പതിച്ചു കൊടുക്കാൻ തീരുമാനിച്ചു.

4 p. m.

അതു്, മഴവൻ സ്ഥലവും ഫോറസ്റ്റു് ഏരിയ ആയിരുന്നു. ഏറ്റവും നല്ല വനം സത്യസന്ധനും ആയിരുന്ന ഒരു ദിവാൻജി ആയിരുന്ന അന്നൊയിരുന്നതു്. അങ്ങനെ കമ്പനിക്കാക്കു് കൊടുത്തതിൽനിന്നും കിട്ടുന്നതായ അനേകകോടി രൂപാ എടുത്തിട്ടു് ഇവിടത്തെ വിദ്യാഭ്യാസമുൾപ്പടെ വർദ്ധിപ്പിച്ചു് രാജ്യത്തിനു ക്ഷേമമുണ്ടാക്കണമെന്ന ആത്മാർത്ഥമായ ഉദ്ദേശത്തോടുകൂടിയായിരുന്ന അന്നത്തെ

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[Sri. A. K. Patchu Pillai]

ദിവാൻജി അതു കൊടുക്കുന്നതിനു തീരുമാനിച്ചതു്. എന്നാൽ അതിനുശേഷം ഈ രാജ്യത്തുള്ള പല വലിയ ആളുകളും അങ്ങനെ ചെയ്യുന്നതു ശരിയല്ലെന്നും അതു രാജ്യത്തിനു ദോഷകരമായി വരാവുന്നതാണെന്നും പറഞ്ഞു് അതു സംബന്ധിച്ചു വലിയ പ്രക്ഷോഭണം നടത്തി. യാതൊരു മക്കടമുഷ്ടിയുമില്ലാതെ അന്നത്തെ ദിവാനായിരുന്ന മി. വാട്സു ആ പ്രക്ഷോഭണത്തിന്റെ അർത്ഥം മനസ്സിലാക്കിയും, രാജ്യത്തിന്റെ ഉത്തമ താല്പര്യത്തെ അടിസ്ഥാനമാക്കിയും അന്നത്തെ പ്രക്ഷോഭണം നടത്തുന്നതിൽ നിന്നും ഉളവാകുന്ന ആപത്തിനെ മനസ്സിലാക്കിയതിന്റെ ഫലമായിട്ടുംദിവാൻജി ആ സ്ഥലം കൊടുക്കുന്നതല്ലെന്നു തീരുമാനിച്ചു. അതുസംബന്ധിച്ചു് അന്നത്തെ നിയമസഭയിൽതന്നെ വാദപ്രതിവാദങ്ങളും നടന്നു. ആ അനുഭവം വച്ചുകൊണ്ടു് നോക്കുകയാണെങ്കിൽ, ഇന്നു് ഗവണ്മെണ്ടു് എടുത്തിരിക്കുന്ന തീരുമാനം നിയമസഭയിലുള്ള ബഹുമാനപ്പെട്ട മെമ്പറന്മാരെകൂടി അറിയിച്ചു് അതിന്റെ ഗുണദോഷങ്ങളും ചർച്ചചെയ്യണമെന്നാണു് എനിക്കു പറയുവാനുള്ളതു്. അങ്ങനെ ജനപ്രതിനിധികളെകൂടി അറിയിക്കണമെന്നു മാത്രമേ എന്റെ ഈ ഭേദഗതികൊണ്ടു് ഞാൻ ഉദ്ദേശിച്ചിട്ടുള്ളു. അല്ലാതെ എക്സിക്യൂട്ടീവിന്റെ അധികാരത്തിൽ യാതൊരു സ്പർശനവും നടത്തുന്നില്ല. അവക്കുള്ള അധികാരം എന്റെ ഈ അമൻഡുമെൻഡുകൊണ്ടു് നിയന്ത്രിക്കുന്നുമില്ല. ഏതെല്ലാം കാരണങ്ങളും കൊണ്ടാണെന്നും എന്തടിസ്ഥാനത്തിലാണു് ഇങ്ങിനെ ചെയ്തിട്ടുള്ളതെന്നും ഉള്ള സംഗതികളും നിയമസഭയുടെ മുമ്പിൽ വയ്ക്കണമെന്നു മാത്രമേ ഞാൻ ഉദ്ദേശിച്ചിട്ടുള്ളു. എന്റെ സ്നേഹിതൻ ശ്രീ. പി. എസ്സു്. നടരാജപിള്ളയുടെ അമൻഡുമെൻറിനെ എതിർത്തതിനു കാരണമായി പറഞ്ഞതു് ഈ വക നടപടിക്രമങ്ങളും ഗവണ്മെണ്ടിനെ ബലാപ്പെട്ടുത്തുകയാണു ചെയ്യുന്നതെന്നാണു്. അദ്ദേഹത്തിന്റെ അമൻഡുമെൻറു സ്വീകരിച്ചാൽ ഉണ്ടാകുന്നതിനേക്കാളും ഏറ്റവും ലഘുവായ ഒരു നടപടിക്രമമാണു് ബഹുമാനപ്പെട്ട മന്ത്രി എന്റെ ഈ ഭേദഗതി സ്വീകരിക്കുന്നപക്ഷം കൈകൊള്ളേണ്ടി വരാവുന്നതു്. ഇതുസംബന്ധിച്ചു് യാതൊരു ആശങ്കയുമുണ്ടാകാതെതന്നെ ഇതിന്റെ ഗുണം സിദ്ധീകരിക്കുന്നതാണെന്നാണു് എനിക്കു പറയുവാനുള്ളതു്.

പിന്നെ എന്റെ ബഹുമാന്യസ്നേഹിതനായ ബഹുമാനപ്പെട്ട മന്ത്രി പറഞ്ഞതു് ഏതെങ്കിലും ഒരു സ്ഥലത്തെ വനം അഴിക്കുന്നതുകൊണ്ടു് ഉണ്ടാകാവുന്ന ഫലങ്ങളും ആ സ്ഥലത്തു ജീവിക്കുന്നതായ മനുഷ്യർക്കു് ദോഷമുണ്ടാക്കുന്നതിനായി ഒരുകാലത്തും ഒരു ജനകീയ ഗവണ്മെണ്ടു ചെയ്യുകയില്ലെന്നും, മാത്രമല്ല അങ്ങനെ മനുഷ്യജീവികൾക്കു് ഏറ്റവും വലുതായ നാശം നേരിടുകയാണെങ്കിൽ അതുണ്ടാകാതെയിരിക്കുന്നതിനു് ജനകീയ ഗവണ്മെണ്ടു് കഴിയുന്ന പ്രതിവിധികളും ഉണ്ടാക്കുന്നതാണെന്നും മനുഷ്യജീവനാണു് വനത്തേക്കാളും കൂടുതൽ വിലകല്പിക്കേണ്ടതെന്നും അതിനാൽ ഇപ്രകാരം വനമഴിക്കുന്ന സംഗതി അത്ര കാര്യമായി ഗണിക്കേണ്ട ആവശ്യമില്ലെന്നും അങ്ങനെ കോലാഹലങ്ങളും ഉണ്ടാക്കേണ്ടതില്ലെന്നുമാണു്. ഇതേവിധത്തിൽ നാംകൂടെ മുൻപോട്ടു പോകുകയാണെങ്കിൽ, ഈ വനം നശിപ്പിക്കുന്നതിന്റെ ദോഷഫലങ്ങളും നാം അനുഭവിക്കേണ്ടതായി വരും. ഇൻഡ്യാഗവണ്മെണ്ടിന്റെ ഭക്ഷ്യമന്ത്രിയായ ശ്രീ. കെ.എം. മുൻഷിതന്നെ അടുത്ത കാലത്തു് വനമഹോത്സവം കൊണ്ടാടിയ അവസരത്തിൽ പ്രസ്താവിച്ചതു്. Tree means water, water means food and food means life എന്നാണു്. ഇതിന്റെ പൊരുൾ മനുഷ്യജീവനു് വൃക്ഷങ്ങളും അഥവാ വനം ആവശ്യമാണെന്നാണു്. അതിലേക്കു ബഹുമാനപ്പെട്ട മന്ത്രിയുടെ ശ്രദ്ധയെ ഞാൻ ക്ഷണിച്ചുകൊള്ളുന്നു. ജനങ്ങളുടെ ആവശ്യങ്ങളും നേരിടുന്നതിനു് വനസംരക്ഷണം

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ആവശ്യമാണെന്ന ബഹുമാനപ്പെട്ട കേന്ദ്രഭക്ഷ്യമന്ത്രി കൂടി സമ്മതിക്കുന്നതായി ഇതിൽനിന്നും മനസ്സിലാക്കാം. ഇന്നത്തെ രീതിയിൽ നാം മുൻപോട്ടുപോകുകയാണെങ്കിൽ, ഭാവി സന്തതികൾക്കും രാജ്യത്തിനും നാം ഒരു ദ്രോഹമായിരിക്കും ചെയ്യുന്നതെന്നും അതിനെപ്പറ്റി ക്ഷമയോടുകൂടി ചിന്തിക്കുന്നതിലേക്കായിട്ടു മാത്രമാണ് ഞാൻ ഈ ഭേദഗതി അവതരിപ്പിച്ചതെന്നും വ്യക്തമാക്കിക്കൊള്ളട്ടെ. ഇതുകൊണ്ട് ഗവൺമെണ്ടിന്റെ നടപടി ക്രമങ്ങളെ നിയന്ത്രിക്കാൻ ഉദ്ദേശിക്കുന്നില്ല. അതുകൊണ്ട് ഈ ഭേദഗതി പ്രയോഗത്തിൽ വരുത്തണമെന്നു ഞാൻ അഭ്യർത്ഥിക്കുന്നു.

Sri. L. M. Pylee : Sir, I can see that this amendment is not so drastic as the previous one that has been moved here. On the same grounds as I oppose the other amendment I oppose this also. I did not mean that we must consider only people and not the forests. Both interests will have to be looked after. Forest is the wealth of any State. Attention must be paid for the conservation of forests. But at the same time human beings are more precious than forests. I do not mean to say that forests should be devastated. Forests exist for the sake of human beings. I do not want to expatiate on the point. It is very good to encourage the growth of forests. It does not mean that human beings are to be neglected. As the hon. Member stated, Government have the scheme approved and conducted the "Vanamahotsavam". I understand what he stated about the importance of forests and trees. Our present problem is something different from that. The matter may be brought before the Legislative Assembly if some portion is destroyed. The Assembly can criticise the action of Government.

Sri. A. K. Patchu Pillai : It is possible only after the work is over.

Sri. L. M. Pylee : Yes. I am aware of that. But we must understand that in a democratic form of Government there is the very possibility of the executive being questioned by the Legislature. That acts as a serious check upon the actions of the executive. Then we must leave things in the right proportion, and there will be no necessity for the introduction of such an enactment before the Legislative Assembly. Therefore such a process is unnecessary and in the opinion of Government the amendment cannot be accepted. I oppose the amendment.

The amendments were put and lost.

The question that clause 26 stand part of the Bill was put and carried.

The clause was added to the Bill.

Clauses 27 to 57

The question that clauses 27 to 57 stand part of the Bill was put and carried.

The clauses were added to the Bill.

Clause 58

Sri. A. K. Patchu Pillai: Sir, I move.

"In clause 58, sub-clause (1) after 'District Court', take off the full stop and add "within two months of the date of the application."

സർ, കടികളുടെ സ്വത്തു നിൽക്കുന്നതായ രാജകീയവൃക്ഷങ്ങളുടെ വില കിട്ടുന്നതിനുവേണ്ടി ഒരു ഫോറസ്റ്റ് ഉദ്യോഗസ്ഥന്റെ അടുക്കൽ കൊടുക്കുന്നതായ അപേക്ഷയിന്മേൽ കക്ഷിക്കു സങ്കടമുണ്ടെങ്കിൽ ഡിസ്ട്രിക്ട് കോടതിയിൽ പരാതി കൊടുക്കാം എന്നുള്ള ഒരു വ്യവസ്ഥയാണ് ഈ വകുപ്പിൽ ഉൾക്കൊള്ളുന്നതു്. എന്നാൽ ഇതിനെക്കുറിച്ചു വളരെ ലഘുവായ ഒരു അമൻഡമെന്റാണ് ഞാൻ

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ഇവിടെ ഹാജരാക്കിയിരിക്കുന്നതു്. ഇങ്ങനെയുള്ള സന്ദർഭങ്ങളിൽ അമിതമായി ദീർഘകാലങ്ങളിലേക്കു് ഫോറസ്റ്റ് ഉദ്യോഗസ്ഥന്മാർ ഈ അപേക്ഷകൾ വച്ചു താമസിപ്പിക്കുന്നതായാൽ അങ്ങിനെ സങ്കടകക്ഷി അപേക്ഷ കൊടുത്തു് കഴിഞ്ഞു രണ്ടുമാസത്തിനകം അതു ഡിസ്ട്രിക്ട് കോടതിയിലേക്കു് റഫർ ചെയ്യണമെന്നുള്ളതാണു് എന്റെ ഭേദഗതി.

"Any party to the inquiry who is aggrieved by the award may, by written application to the Forest Officer making such award require that the matter be referred to the District Court, within whose jurisdiction the land is situate, whether his objection be to the amount of the Kudivila, the person to whom it is payable, or the apportionment of the Kudivila and the Forest Officer shall refer the application to the District Court."

ഇതിൽനിന്നു കാണുന്നതു് കുടികളുടെ സ്ഥലത്തു നിൽക്കുന്ന രാജകീയ വൃക്ഷങ്ങളുടെ വിലയിൽ റോഡു സംബന്ധിച്ചു് കക്ഷികൾക്കു് സങ്കടമുണ്ടായാൽ അതുസംബന്ധിച്ചു വരുന്ന അപേക്ഷകൾ ദീർഘമായും അനിശ്ചിത കാലത്തേക്കും വച്ചുതാമസിപ്പിക്കാതെ കിട്ടിക്കഴിഞ്ഞാൽ രണ്ടുമാസത്തിനകം അതു ഡിസ്ട്രിക്ട് കോടതിയിലേക്കു് ഫോറസ്റ്റ് ഉദ്യോഗസ്ഥൻ അയച്ചുകൊടുക്കണമെന്നാണു്. എന്നാൽ ബില്ലിൽ അതു് എത്രനാളിനകമയച്ചുകൊടുക്കണമെന്നു് വ്യവസ്ഥയില്ല. തന്മൂലം കക്ഷികൾക്കു് സങ്കടത്തിനു് കാരണമായിത്തീരുന്നു. അങ്ങിനെ അപേക്ഷ കൊടുത്താൽ അതു രണ്ടുമാസത്തിനകമെങ്കിലും ഡിസ്ട്രിക്ട് കോടതിയിലേക്കു് അയക്കത്തക്കവണ്ണം രണ്ടുമാസമെന്നുള്ളതുകൂടി ചേർക്കണമെന്നുള്ള ഭേദഗതികൂടി സ്വീകരിക്കണമെന്നാണു് ഞാൻ അപേക്ഷിക്കുന്നതു്.

Sri. D. Gnanasigamoni : Sir, I just want to say a word in support. A reference to the District Court is provided in the land Acquisition Act, on an application for reference within six months of the date of award. But, as a matter of fact, in the absence of a provision enjoing the District Collector to make the reference within a stated period, there have been instances where such reference had not been made even for years together. This defect has now been rectified. Apart from the ordinary cases demanding reference, the forest officer has been invested with power to make references to the District Court in complicated cases. In all these cases it is necessary to fix a time limit for reference to the District Court. So an amendment like the one just now moved may be made in this clause fixing a time limit for such reference.

ശ്രീ. എൽ. എം. പൈലി: ഈ ഭേദഗതിയിൽ പറയുന്ന രണ്ടു മാസം എന്നുള്ളതു് 60 ദിവസം (Sixty days) എന്നാക്കിയാൽ ഭേദഗതി സ്വീകരിക്കുന്നതിനു് വിരോധമില്ല.

ശ്രീ. എ. കെ. പാച്ചുപിള്ള: സമ്മതമാണു്.

The amendment, subject to the modification proposed by the hon. Minister in charge, was put and carried.

The question that Clause 58, as amended, stand part of the Bill was put and carried.

The Clause was added to the Bill.

Clauses 59 to 101

The question that Clauses 59 to 101 stand part of the Bill was put and carried.

The Clauses were added to the Bill.

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Clause 1 and Preamble

The question that Clause 1 and the Preamble stand part of the Bill was put and carried.

The Clause and the Preamble were added to the Bill.

Title

The question that the Title stand part of the Bill was put and carried.

The Title was added to the Bill.

Sri. L. M. Pylee: I move that the Travancore-Cochin Forest Bill be passed.

Sri. K. M. Korah : I second it.

The question that the Travancore-Cochin Forest Bill be passed was put and carried.

The Bill was passed.

The Assembly adjourned at 4-20 p. m. to meet again at 11 a. m. on Saturday, he 22nd September, 1951.

V. KRISHNAMOORTHI,
Secretary to the Legislative Assembly

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